

MINUTES
Town of Crested Butte
Regular Town Council Meeting
Monday, February 1, 2021

Mayor Schmidt called the meeting to order at 7:04PM.

Council Members Present: Will Dujardin, Chris Haver, Mallika Magner, Mona Merrill, and Jason MacMillan

Laura Mitchell arrived in the meeting at the end of staff updates.

Staff Present: Town Manager Dara MacDonald, Community Development Director Troy Russ, and Town Attorneys John Sullivan and Barbara Green

Public Works Director Shea Earley, Town Clerk Lynelle Stanford, Parks, Recreation, Trails and Open Space Director Janna Hansen, Town Planner II Mel Yemma, and Finance Director Rob Zillioux (for part of the meeting)

Everyone connected and participated in the meeting via Zoom. Schmidt and MacDonald were present in Council Chambers.

Schmidt mentioned the parking plan presented by Russ during the work session.

Schmidt asked Stanford to take a roll call. Merrill, Magner, Schmidt, Haver, MacMillan, and Dujardin were present (on Zoom) at the beginning of the meeting.

CONFIRMATION OF APPOINTMENT OF COUNCIL MEMBER JASON MACMILLAN

Dujardin moved and Haver seconded a motion to appoint Jason MacMillan to the Town Council. A roll call vote was taken with all voting, "Yes," except for Mitchell, who was not yet present at the meeting and did not vote, and MacMillan did not vote. **Motion passed unanimously.**

APPROVAL OF AGENDA

Dujardin moved and Haver seconded a motion to approve the agenda as submitted. A roll call vote was taken with all voting, "Yes," except for Mitchell, who was not yet present at the meeting and did not vote. **Motion passed unanimously.**

CONSENT AGENDA

1) January 19, 2021 Regular Town Council Meeting Minutes.
Staff Contact: Town Clerk Lynelle Stanford

2) Approval from the Town Council to Pursue a Grant Application to the History Colorado's State Historical Fund for a Historic Structure Assessment for Town Hall (507 Maroon Avenue).

Staff Contact: *Community Development Director Troy Russ*

3) Consideration on Letter to CDOT Commenting on Transportation Funding.

Staff Contact: *Town Manager Dara MacDonald*

Haver moved and Dujardin seconded a motion to approve the Consent Agenda. A roll call vote was taken with all voting, "Yes," except for Mitchell, who was not yet present at the meeting and did not vote. **Motion passed unanimously.**

Proclamation in Honor of Dr. Laura Ramos

Schmidt acknowledged that Ramos and her mother were both on Zoom. Schmidt read the proclamation. Ramos thanked the Council for the generous and kind proclamation. She expressed her appreciation for the enormous honor on her behalf. Maryann Ramos, Laura's mother, was delighted. Joan Miller congratulated Ramos. Miller introduced herself as Laura's godmother and aunt in New Jersey. Schmidt thanked Ramos.

Annual Report from Mountain Express Managing Director Jeremy Herzog

Herzog referred to the two reports included in the packet. He recapped 2020 by starting with the impacts of COVID-19 to the bus service. Mountain Express restarted service on June 1st and operated throughout the summer. He reported that the summer went well. Herzog stated that Mountain Express increased the budgetary spend for the winter season to compensate for reduced capacity.

Herzog spoke regarding their internal operations. He described the staff as special. Schmidt questioned the policy concerning non-compliance with the mask requirement. Herzog outlined the process for dealing with passengers. He told the Council they had not asked drivers to physically remove people from the vehicles. The discussion regarding masks and the CDC became more detailed. Herzog thanked the Town of Crested Butte for helping to honor Chris Larsen.

Herzog reported they would close the 2020 books soon. He expected to see a slight surplus. They saw increased revenue from the Town of Crested Butte sales tax; however, the increase was offset by the reduction in Mt. Crested Butte. Concerning their assets, which were the busses, Mountain Express would replace vehicles following CDOT requirements. Mountain Express continued to focus on researching technologies that may be carbon friendly.

Schmidt asked about the shared facility with RTA. Herzog said they worked with a design firm for a high-level design and cost estimate. They would continue to pursue next steps with the facility. Magner voiced that she was impressed with the job done during a challenging time. Merrill brought up getting numbers from Vail to help to

accommodate people with the busses. Herzog confirmed they were in contact with staff and were getting anecdotal feedback.

PUBLIC COMMENT

None

STAFF UPDATES

- Schmidt questioned whether there were additions to the Manager's Report.
- Schmidt asked about Golden Mask recipients. MacDonald stated the list was available on the County's website. She further explained that Golden Masks could be taken away.
- Schmidt noticed that members of the Marshals staff did not want to get vaccinated. MacDonald pointed out that it was just one staff member, and Town could not require employees to be vaccinated. There were incentives to get vaccinated, but it could not be mandated.
- Magner noted that sales tax was up 4%. She asked for usual trends. Zillioux recognized Town had been on a five-year run with high single-digit revenue growth.
- Schmidt pointed out marijuana sales were down 8% and RETT was up 69%.
- Merrill wondered whether Breckenridge trending up 10% per year was an accurate comparison. Zillioux acknowledged Town had gone backwards in some years but not in the last five to ten years.

LEGAL MATTERS

Sullivan updated on the matter involving the lawsuit against the real estate broker. The defendant's lawyer was interested in talking with Town employees. They were evaluating how formal or informal the interviews would be.

Green brought up that the Council wanted to add gender identity and gender expression to the Employee Handbook. She explained the Supreme Court case in which the court concluded that the term sex included gender expression, gender identity, and transitioning; it covered lots of different terms people used to describe themselves. With the changes to the Handbook discussed at the last meeting, someone could come along and say they were excluded. She cautioned the Council to be careful. The attorneys would keep an eye on the issue as it continued to change.

NEW BUSINESS

1) Approval of a Preferred Concept Alternative and Authorization to Allocate Funds in 2021 for the Slate River Boat Launch Project.

Staff Contact: Parks and Recreation Director Janna Hansen

Hansen reminded the Council of the work session, held on January 19th, regarding the project. She explained the timing of topic coming to the Council, and she specifically identified the heavy utilization in the area of the Rec Path Bridge. Hansen acknowledged they had been working through issues with the water line easement. She outlined amenities included in the plan, such as changing areas and paddleboard storage. They were working through permitting with the flood plain. She pointed out the property boundary was with Cypress. Hansen stated that they decided a better solution was to omit the pump from the plan. Mitchell confirmed the screened in changing area was still included. She was excited. Schmidt confirmed Hansen would be applying for a grant from GOCO. Hansen reported that GOCO would award grants in March. She would not know an award date on the Met Rec grant until May. She called the project a priority whether or not the Town received grant funding. Hansen reviewed the budgeted numbers. The total out of pocket cost to the Town would need to be increased another \$10,000 beyond the estimated \$200,000. MacDonald asked the Council to approve the amount of \$210,000. Schmidt confirmed the funds would come from the General Capital Fund.

Cowherd asked whether disapproval from Aperture could stop the project. He would hate for the plan to be sprung on them. Hansen reviewed communications Town had with Cameron Aderhold from Cypress. Town had permission to access the river through their property.

Mitchell moved and Dujardin seconded a motion to approve the preferred design alternative and allocate funds in 2021 in an amount not to exceed \$210,000.00 to complete the Slate River Boat Launch Project. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

Schmidt questioned when the project would be started.

2) Discussion and Council Direction Regarding Tenancy for 308 3rd Unit K.

Staff Contact: Finance Director Rob Zillioux

Zillioux explained that three not-for-profits were seeking space at 308 3rd Street. He listed the entities: WESA, Trailhead, and Artists of Crested Butte. RMBL withdrew their interest in the space. Staff was seeking direction on how to select one of the three, and Staff recommended a lottery be held. Schmidt preferred a simple lottery. Schmidt confirmed space at The Chamber would be available on April 1st. Mitchell and Haver were comfortable with a lottery. MacMillan suggested a weighted lottery in the future. No one on the Council voiced disagreement with the lottery in general.

Kristin Engel from West Elk Soccer Association (WESA)

- She introduced herself.
- She asked for clarity on how the lottery might work.
- She was more than happy to state the case for why WESA was a good candidate for the space.

MacDonald reviewed the anticipated process for the lottery. Mitchell asked about a weighted lottery. MacMillan suggested the Council take into account and use measures for who was a good fit for the space. Merrill recognized, from previous discussions, that a full season of use was preferred. She agreed with MacMillan. Haver agreed that the Council look at a weighted lottery down the road. Schmidt confirmed Staff would pick first and second places and that the lottery would roll over to the next space.

Kristin Engel

- She thanked the Town and the Town Council for the opportunity.
- She recognized mental health issues that had been exacerbated by COVID.
- WESA provided benefits to 250 youth players.
- WESA was able to provide programming for youth safely during COVID.
- They provided year around programming, bringing people into the community.
- She outlined WESA's partnerships.
- She explained preparations made for programming, the reasons they needed office space, and how they would use it.
- WESA would be here for good.

Shaun Horne - President of Artists of Crested Butte

- Artists of Crested Butte had been searching for space for four years.
- He explained what they envisioned for the space, including storage.
- They would use the space creatively for as many possible uses as they could find.
- They were seeking space for early career creatives.
- They would keep the space versatile.
- They wanted to include as many people as they possibly could.

Schmidt referred to the letters of support from WESA. Mitchell asked about the letter from Margaret Galvin Johnson. Mitchell questioned whether Johnson was part of the art group. Horne clarified that he had spoken with Johnson, and she would be a member of Artists of Crested Butte using the space.

MacDonald stated the lottery would be conducted within the next couple of days. Schmidt confirmed the Council was comfortable with the lottery pertaining to the next available space at The Chamber.

Kristin Engel

- She thanked the Council and expressed appreciation for the amenity offered to non-profits.

Mitchell moved and Haver seconded a motion to proceed with a lottery for the space. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

COUNCIL REPORTS AND COMMITTEE UPDATES

Mona Merrill

- She mentioned the intergovernmental meeting.
- They talked about the RV dump station at STOR.
 - STOR endorsed going through the public process for the fee schedule.
 - They kept the subcommittee and would continue to keep talking about the RV dump station.
- She went to The Center for the Arts board meeting.
 - BOZAR approved the temporary structure for three years.
 - Executive Director Scott Palmer was curious how many people would use the space if they reopened. Merrill imagined the space being utilized.
 - It was on hold playing the numbers game.
- Mitchell recommended a set price for dumping at the RV dump station. She confirmed the RV dump station payments were made on a for-donation basis. There was discussion about what area entities were charging.

Will Dujardin

- The Growing Waters Smart team met for the first time in a few months to catch up.
- The Upper Gunnison (River Water Conservancy District) was trying to bolster drought education efforts this year. He listed ideas they considered implementing.
- There was a reminder that QQ had resources available.
- He sent EOC notes out earlier today.
 - He pointed out the high positivity rate.
 - There was general concern that the State might be trying to push mountain towns to increase restrictions.
 - They were looking at free testing every week.
 - Haver added that with contact tracing they were catching 40% to 60% of cases, and people were already quarantining.
 - Schmidt recognized the County was getting more vaccinations.
- Dujardin informed the Council that the Black Lives Matter Community Coalition had been meeting.
 - The Executive Board met last week. They were continuing discussion on recommendations from the local government subcommittee.
 - They were looking at another agenda item regarding the complaint process.
 - They would be looking at Town Council members' roles on the Executive Board.
 - They were finalizing the mission statement.
 - The subcommittees continued with their work.

Chris Haver

- He attended the Rocky Mountain Land Use Institute discussion on affordable housing and proposed zoning reforms. There was information to glean from the discussion. He noted that middle-income housing was challenging even in big cities.

- He was on the CAST meeting. He congratulated MacDonald for her role as President. She did a great job running the meeting.

Laura Mitchell

- She attended the RTA meeting.
- She got a message from Herzog that \$14B was allocated to the transportation industry through the CARES Act, of which \$78M was allocated to rural Colorado transit. She felt that both RTA and Mountain Express were doing okay.

Jason MacMillan

- He reported on the Mountain Express meeting.
 - They went over the report for 2020.
 - They went into specifics on the building at the Whetstone lot. They intended to plumb the facility to accommodate electric busses or propane. They would not be building it right away. The technology was a moving target. They were trying to get better quotes. Right now, it was preliminary and high level.

Laura Mitchell

- Someone in Montrose was pushing back on the Highway 50 closure.

Jim Schmidt

- He attended the Region 10 meeting.
 - They heard the pushback from Montrose, but the project had been awarded and was ready to go.
 - The closures would start in March.
 - Mitchell thought the issue was the long duration of the closures.
- He attended CAST meetings on both Thursday and Friday.
 - Vail presented on the InDEED program. Breckenridge had a similar program.
 - There was a presentation from Whistler about housing in general. His take was things were different in Canada. They wanted to grow and grow.
 - There was a presentation from the BLM Director from the Moab area. They had similar problems with loving the backcountry to death.
- The intergovernmental meeting was maybe the best and most cordial in several years. They talked about RV dump stations, housing in general, and the Post Office.
- He wrote a letter to the Senators concerning the Post Office. They would run the letter by John Whitney and go from there.
- He talked to a person who was told there were no post office boxes left in Crested Butte. All of a sudden, there was a post office box available to her.
- He sent a copy to MacDonald of procedures for the process of voting for an appointment to Town Council for inclusion in the Town Council Handbook.
- The Council had a work session last Tuesday about responsibilities and how Council members served on different committees. MacDonald said there would be a draft policy on the next agenda.

OTHER BUSINESS TO COME BEFORE THE COUNCIL

Haver brought up and asked if anyone was interested in Town starting an email list where the agenda could be sent out to anyone on the list. Furthermore, people could email the Council at one address that would then get forwarded to the whole Council. MacDonald recommended a separate email list from the e-alert list. No one on the Council voiced disagreement with Haver's proposal.

DISCUSSION OF SCHEDULING FUTURE WORK SESSION TOPICS AND COUNCIL MEETING SCHEDULE

- *Tuesday*, February 16, 2021 - 6:00PM Work Session - 7:00PM Regular Council
- Monday, March 1, 2021 - 6:00PM Work Session - 7:00PM Regular Council
- Monday, March 15, 2021 - 6:00PM Work Session - 7:00PM Regular Council

EXECUTIVE SESSION

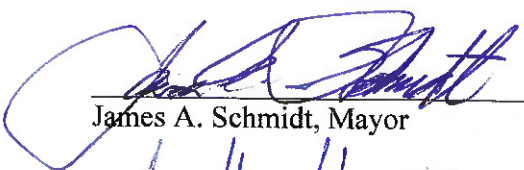
Schmidt read the reason for the Executive Session: for a conference with the Town Attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b) regarding vested rights in the land use context.

Mitchell moved and Haver seconded a motion to go into Executive Session. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

The Council went into Executive Session at 8:58PM. The Council returned to open meeting at 9:42PM. Mayor Schmidt made the required announcement upon return to open meeting.

ADJOURNMENT

Mayor Schmidt adjourned the meeting at 9:43PM.


James A. Schmidt, Mayor


Lynelle Stanford, Town Clerk

(SEAL)

